

**DECLARATION OF BRUCE M.
DIAMOND**

1 I, Bruce M. Diamond, declare as follows:

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3 1. I am the General Counsel for the National Nuclear Security Administration ("NNSA").

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5 2. After further review of the unusual circumstances surrounding the release of information
6 concerning the shipment of plutonium to Nevada in compliance with the injunction issued by the
7 U.S. District Court in South Carolina and the need to protect national security while providing as
8 much transparency as feasible, the Department of Energy ("DOE") has determined that certain
9 information relevant to the Nevada litigation is now declassified and it may now provide
10 additional information to the Court and the parties.

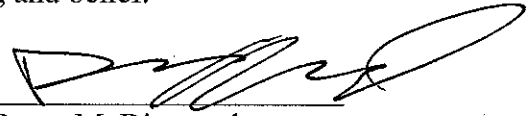
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12 3. In order to provide security for its shipments of these kinds of materials DOE normally will
13 not release information about the status of the shipment(s) until sometime after the shipping
14 "campaign" is concluded. The agency originally determined that all shipments related to
15 compliance with the order of the U.S. District Court in South Carolina constituted one campaign.
16 After due consideration, and in light of the factors set out above, DOE has now decided that it
17 may consider the shipment of plutonium to Nevada under the court order as a separate campaign.

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19 4. Because sufficient time has now elapsed after conclusion of this campaign, DOE may now
20 publicly state that it has completed all shipment of plutonium (approximately ½ metric ton) to
21 Nevada pursuant to its efforts to comply with the South Carolina U.S. District Court order.
22 Although the precise date that this occurred cannot be revealed for reasons of operational
23 security, it can be stated that this was done before November 2018, prior to the initiation of the
24 litigation.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
2 and correct to the best of my knowledge, information, and belief.

3 Executed on January 30, 2019

By:



Bruce M. Diamond
General Counsel
National Nuclear Security Administration

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed on January 30, 2019, with the Clerk of the Court and served using the CM/ECF system upon the following parties/attorneys of record:

Charles J Fitzpatrick

Egan Fitzpatrick Malsch & Lawrence PLLC
7500 Rialto Blvd.,
Building 1, Suite 250
Austin, TX 78735
210-496-5001
Email: cfitzpatrick@nuclearlawyer.com

Daniel P Nubel

Nevada Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701
775-684-1225
Fax: 775-684-1108
Email: dnubel@ag.nv.gov

John W Lawrence

Egan Fitzpatrick Malsch & Lawrence PLLC
7500 Rialto Blvd.
Building 1, Suite 250
Austin, TX 78735
210-496-5001
Email: jlawrence@nuclearlawyer.com

Marta A. Adams

Nevada Attorney General
100 North Carson Street
Carson City, NV 89701-4717
775 6841237
Fax: 775 6841103
Email: madams@ag.nv.gov

Martin G Malsch

Egan Fitzpatrick Malsch & Lawrence
1776 K Street, NW
2nd Floor
Washington, DC 20006
202-466-3106
Email: mmalsch@nuclearlawyer.com

1 **C. Wayne Howle**

2 Nevada Attorney General's Office
3 100 N Carson St
4 Carson City, NV 89701-4717
5 (775) 684-1227
6 Fax: (775) 684-1108
7 Email: whowle@ag.nv.gov

8 **John Patrick Desmond**

9 Dickinson Wright PLLC
10 100 W Liberty Street
11 Suite 940
12 Reno, NV 89501
13 775-343-7500
14 Fax: 775-786-0131
15 Email: jdesmond@dickinsonwright.com

16 **Randolph R. Lowell**

17 Willoughby & Hoefer, P.A.
18 133 River Landing Dr.
19 Suite 200
20 Charleston, SC 29492
21 843-619-4426
22 Fax: 803-256-8062

23 **Robert D. Cook**

24 Office of the Attorney General
25 P.O. Box 11549
26 Columbia, SC 29211-1549
27 803-734-3970
28 Fax: 803-734-2981

Brian R. Irvine

Dickinson Wright
100 W Liberty St Ste 940
Reno, NV 89501
775-343-7500
Fax: 775-786-0131
Email: birvine@dickinsonwright.com

/s/ David L. Negri

David L. Negri

United States Department of Justice

